

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

WAPP TECH LIMITED PARTNERSHIP and
WAPP TECH CORP.,

Plaintiffs,

v.

APPLE INC., CAPITAL ONE, N.A.,
CAPITAL ONE SERVICES, LLC, FROST
BANK, and CULLEN/FROST BANKERS,
INC.,

Defendants.

Civil Action No. 4:25-cv-00230-ALM

JURY TRIAL DEMANDED

**DECLARATION OF STEPHANIE CALHOUN JEMMINGS IN SUPPORT OF
DEFENDANT APPLE INC.'S MOTION TO DISMISS**

I, Stephanie Calhoun Jemmings, hereby declare:

1. I am employed by Apple Inc. (“Apple”) in Cupertino, California, where I have worked since 2006. My current title at Apple is Senior Manager, Apple Channel Sales Programs. Among other responsibilities, I provide strategic and operational support for a team of Apple employees who work within third-party retailers, such as Best Buy. I help define the roles and responsibilities of Apple employees while at third-party retail locations.

2. I provide this declaration in support of Apple’s motion to dismiss. Unless otherwise indicated below, the statements in this declaration are based upon either my personal knowledge or corporate records maintained by Apple in the ordinary course of business.

I. Apple’s Employees Within Best Buy’s Stores

3. Apple’s products are sold to consumers through various sales channels including third-party retailers, such as Best Buy. Those third-party retailers are solely responsible for the management and operation of their own stores.

4. Apple has a national team of employees who work within third-party retail locations, including Best Buy’s stores. Apple employees who work within Best Buy’s stores are known as “Community Specialists.” These Apple employees are not involved in the management or operation of Best Buy’s stores. For example, they do not conduct transactions or manage inventory, and they are expressly forbidden by Apple from doing so. Instead, these Apple employees engage with Best Buy’s employees and customers to educate them about Apple’s products, advocate for Apple’s brand, and help customers choose an Apple product that best suits their needs.

5. Apple’s Community Specialist staffing structure has been in effect since November 6, 2024. The complaint in this case references a declaration I submitted in *Slyde Analytics LLC v. Apple Inc.*, No. 2:24-cv-00331-RWS-RSP, Dkt. 21-7 at ¶5 (E.D. Tex. 2024).

That declaration described the staffing structure Apple used for employees within Best Buy stores before November 6, 2024, under which there existed three types of Apple employees who worked within Best Buy's stores: (i) "Lead Apple Solutions Consultants" ("Lead ASCs"); (ii) "Apple Solutions Consultants" ("ASCs"); and (iii) "Part-Time Specialists" ("Specialists"). Under the prior staffing model, these Apple employees performed the same roles that are now performed by Community Specialists.

A. Apple's Community Specialist Employees Within Best Buy Stores

6. Apple has approximately seven Community Specialists who work within thirteen different Best Buy stores located in the Eastern District of Texas. Each Community Specialist is assigned to roughly 25 third-party retail locations—including Best Buy stores and other third-party retailer stores—to visit for a limited time during the work week. No more than a single Community Specialist is assigned to each Best Buy store in the Eastern District of Texas. Not every Best Buy location in the Eastern District of Texas has a Community Specialist assigned to it.

7. Community Specialists are present in Best Buy stores in the Eastern District of Texas on a limited and irregular basis. There is no fixed schedule for a Community Specialist's visit to any particular Best Buy store in the Eastern District of Texas. The timing and duration of a Community Specialist's visits to any particular store vary from week to week. They are not present within Best Buy's stores every day that those stores are open. When a Community Specialist visits a Best Buy location in the Eastern District of Texas, the duration of the visit is limited to one hour.

8. The role of Community Specialists is limited to engaging with Best Buy's employees and customers to educate them about Apple's products, advocate for Apple's brand,

and help customers choose an Apple product that best suits their needs. Community Specialists do not complete sales transactions, have access to locked inventory, or repair Apple products.

9. Community Specialists do not have any Apple merchandise for sale with them while in Best Buy's stores. Best Buy owns the merchandise and demonstration models of Apple's products within Best Buy's stores. Apple does not provide Community Specialists with any Apple products or literature to bring with them to Best Buy's stores. Apple also does not store any products or literature within Best Buy's stores.

10. Apple limits the role of Community Specialists within Best Buy's stores to avoid supplanting the role of Best Buy's employees, who were solely responsible for conducting the business of Best Buy's stores. Community Specialists in Best Buy's stores do not exercise any control over Best Buy's employees.

11. Community Specialists lack access to cash registers within Best Buy and do not complete any transactions with customers at Best Buy. All purchases of Apple products at Best Buy are handled by Best Buy employees. Best Buy also sets the prices for the Apple products that it sells.

12. Community Specialists also do not manage inventory at Best Buy. Apple employees do not have access to locked inventory within Best Buy's stores or Best Buy's computer systems for checking inventory. All inventory management of Apple products at Best Buy's stores is done by Best Buy employees.

13. Community Specialists do not repair products at Best Buy and are not involved in the repair of Apple products at Best Buy locations. Any such repairs are performed and overseen solely by Best Buy employees.

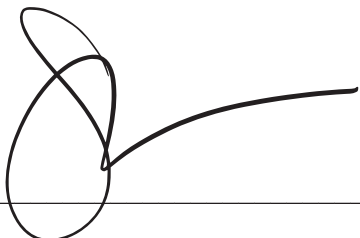
14. Best Buy maintains complete control over the operation of its stores. For example, Best Buy sets the hours of operation for its stores. Best Buy controls who can be present in its stores and has the right to remove Community Specialists from Best Buy's stores if it deems necessary.

II. Apple Does Not Require Community Specialists to Live in the Eastern District of Texas

15. Apple does not dictate where its Community Specialists working in the Eastern District of Texas live. Community Specialists working in the Eastern District of Texas are free to reside wherever convenient for them.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: July 11, 2025



Stephanie Calhoun Jemmings